

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHAMIR BATISTA,

Plaintiff,

-v.-

DETECTIVE MICHAEL LECLAIR, Shield No.  
5045,

Defendant.

17 Civ. 1994 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

By Order dated July 8, 2020, the Court granted Plaintiff's request for *pro bono* counsel for the limited purpose of representing Plaintiff in a settlement conference. (Dkt. #91). On October 26, 2020, *pro bono* counsel appeared on behalf of Plaintiff. (Dkt. #93-94). On February 11, 2021, the Court was informed that the parties were unable to reach a settlement. Accordingly, the Court will proceed to set this case for trial.

After considering the factors set forth in *Hodge v. Police Officers*, the Court finds that the continued appointment of *pro bono* counsel in this case is justified. See 802 F.2d 58, 61-62 (2d Cir. 1986). This case will be set for trial, and therefore the appointment of counsel is crucial to, *inter alia*, Plaintiff's "ability to present the case" at trial and to conduct "cross-examination [that] will be the major proof presented to the fact finder." *Id.* at 61. In this case, representation would "lead to a quicker and more just result by sharpening the issues and shaping examination." *Id.* Therefore, Plaintiff's current *pro bono* counsel shall inform the Court on or by February 25, 2021, whether they will

continue to represent Plaintiff. After the issue of *pro bono* counsel is resolved, the Court will set the matter down for trial.

SO ORDERED.

Dated: February 11, 2021  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge